

Hon. John H. Chun

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KURT A. BENSHOOF,
A.R.W. By and Through His Father,
KURT A. BENSHOOF,

Plaintiffs,

v.

MARSHALL FERGUSON, *et al.*,

Defendants.

No. 2:24-cv-00808-JHC

PLAINTIFFS' REPLY TO
SKELTON RESPONSE *re* MOTION
FOR LEAVE TO FILE FIRST
AMENDED COMPLAINT

NOTED ON MOTION CALENDAR:
January 6, 2025, 7(d)(2)

I. INTRODUCTION

Plaintiff Kurt Benshoof ("Benshoof") files this Reply to Defendant Jessica Skelton' ("Skelton") Response to Plaintiffs' Motion for Leave to File First Amended Complaint ("FAC"). Benshoof ***preemptively*** filed for leave ***solely*** to comply, under threat, duress and coercion, with Judge Marshall Ferguson's fraudulent Order Restricting Abusive Litigation by Kurt Benshoof ("ORAL") ***to avoid further attempts to unlawfully imprison Benshoof*** under color of law.

Benshoof is still editing his FAC, and will be filing it on January 10, 2025, attached to a Motion for Leave to File First Amended Complaint pursuant to the letter of Fed.R.Civ.P. 19(a)(1)(A)(B) and the spirit of Fed.R.Civ.P. 15(a)(1)(B), as Benshoof's unlawful imprisonment denied him the opportunity to file his FAC within twenty-one days of Defendant Marshall Ferguson's Rule 12 motion. (Dkt. #44). Furthermore, as Plaintiffs' FAC will be joining additional Plaintiffs and Defendants, as well as adding additional causes of action, the interests of justice require that the Court grant Benshoof leave.

II. EVIDENCE RELIED UPON

1. Benshoof relies upon Amended Petition for Writ of Habeas Corpus and Exhibits. (Dkt. #57)

III. ARGUMENT

2. Skelton claims that "it has been four months since Plaintiff's original allegations against Ms. Skelton in this matter were dismissed, and Plaintiff has made no effort to amend his allegations against her." (Dkt. #59; ¶3) Skelton is well aware that Benshoof was unlawfully imprisoned on July 3, 2024, and denied envelopes, postage, and paper with which to write and mail an amended complaint. Benshoof is *still* being unlawfully imprisoned.

3. Furthermore, King County and City of Seattle are *still* withholding Benshoof's computers, cell phone, and his personal papers and effects needed to litigate his claims. As Benshoof's Amended Habeas Petition exhaustively detailed,

1 the foregoing violations of Benshoof's rights are the direct and proximate result of
 2 Defendants' acts and failures to act regarding family attorney Nathan Cliber
 3 ("Cliber") suborning the perjury of Jessica Owen ("Owen"), and Cliber's and Owen's
 4 extrinsic fraud to kidnap A.R.W. under color of law of KCSC No. 21-5-00680-6 SEA.

5
 6 4. Now that Owen's fraud has been fully exposed through her perjured
 7 testimony on September 24, 2024, in Seattle Municipal Court No. 671384, Plaintiffs'
 8 original claims before this Court will be easily proven through their FAC. Skelton's
 9 defense, as well as the defense of Defendants Blair Russ ("Russ"), Michael Tracy
 10 ("Tracy"), and Sarah Turner ("Turner"), could only be predicated upon the premise
 11 that Cliber did **not** suborn the perjury of Owen in extrinsic fraud.

12
 13 5. As denying that Cliber suborned Owen's perjury in their extrinsic fraud
 14 to kidnap A.R.W. under color of law is now an impossibility for Skelton, Russ, Tracy,
 15 and Turner ("Defendants"), Defendants' only remaining defense will be claiming that
 16 they were completely unaware that Cliber suborned Owen's perjury in extrinsic fraud
 17 to kidnap A.R.W. under color of law. Unfortunately for Defendants, Benshoof has
 18 been providing Defendants with proof of the foregoing since **2023**. Not only that, but
 19 Benshoof has **extensive proof** that he has been **providing** Defendants with proof
 20 since 2023.

21
 22 6. In other words, Defendants cannot refute that: (1) Cliber suborned
 23 Owen's perjury in their extrinsic fraud to kidnap A.R.W. under color of law; (2)
 24 Defendants had knowledge that Cliber suborned Owen's perjury in their extrinsic
 25 fraud to kidnap A.R.W. under color of law; nor (3) Defendants acted in bad faith by

rendering criminal assistance, as accessories after-the-fact, to Cliber's subornation of Owen's perjury and the kidnapping of A.R.W. under color of law of the retaliatory policies, practices or widespread customs of the CITY OF SEATTLE and of KING COUNTY against Benshoof's class as a result of Benshoof exercising his First Amendment protected rights.

VERIFICATION

This Reply contains 608 words in compliance with LCR 7(e)(2). Plaintiff Kurt Benshoof does hereby declare that the foregoing is true and correct to the best of his knowledge under penalty of perjury under the laws of the United States. Executed this 7th day of January in the year 2024, in the city of Mountlake Terrace, in the county of Snohomish, in the state of Washington.

By:



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